IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3171 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GAUSWAMI S MOHANGIRI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3171 of 1994

MR DEVNANI for MR YOGESH LAKHANI for Petitioner No. 1-2,4-7

MR PR ABICHANDANI for Respondent No. 1

MR JD PARDIWALA for Respondent No.2

MR RC KAKKAD for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 04/08/2004

ORAL JUDGEMENT

#. Initially, this petition was jointly filed by 7 petitioners, out of them name of petitioner No.3-Jani Sunil Jeevantrai was later on deleted from the cause title of this petition with the permission of the court on 1.8.1997, therefore, now the present petition is required to be decided qua remaining 6 petitioner Nos.1, 2, 4 to 7.

#. By way of this petition, the petitioners have prayed that the respondent No.1 be directed not to retrench or terminate their services as Junior Clerks. On 4.3.1994 this court (Coram : S.M.Soni, J.) [as he then was] ordered to issue notice making it returnable on 11.3.1994 and by way of ad-interim order, status quo qua the petitioners was directed to be maintained. Thereafter, on 17.2.1995 this court (Coram : Y.B.Bhatt, J.) [as he then was] admitted this petition and confirmed the ad-interim relief with a clarification that it will be open to the respondent-District Judge, Junagadh to take administrative action, which may be necessary and comply with the directions given by the High Court in its judgment at Annexure-B to the petition. Thus, under the interim orders of the court, the petitioners continued in service. Learned counsel Mr.Pardiwala appearing for respondent No.2 placed on record a fax message and stated at the Bar that out of these persons, 6 petitioners Nos.4, 5 and 7, Joshi Paresh Vinodrai, Santhalia Himatlal Jasmatbhai and Indrolia Navinchandra Ratilal respectively have been promoted to the post of Senior Clerk, whereas, the remaining petitioner Nos.1, 2 and 6, Gauswami Sureshkumar Mohangiri, Mehta Jayeshkumar Parshottambhai and Parmar Pravin Karshanbhai respectively are still working as Assistant Clerks and no action is taken against them. Thus, according to him this petition has become infructuous.

#. In view of the above, learned counsel Mr.Devnani appearing for Mr.Lakhani for the petitioners seeks permission to withdraw this petition. Accordingly, permission is granted. Dismissed as withdrawn. Interim relief granted earlier stands vacated forthwith. Rule is discharged with no order as to costs.

(B.J.Shethna, J.)
*Pvv